

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RSUI INDEMNITY COMPANY, INC.,

Plaintiff,

v.

VISION ONE, LLC, *et al.*,

Defendants.

Case No. C08-1386RSL

ORDER GRANTING IN PART
DEFENDANTS' MOTION
TO LIFT STAY

This matter comes before the Court on the "Motion By Vision One and Berg Equipment for Lifting of Stay and For Certain Rulings Based on Outcome of RSUI's State Court Appeal" (Dkt. # 123). This case has been stayed pending the outcome of Plaintiff RSUI Indemnity Company, Inc.'s ("RSUI") appeal of the state court decision that the underlying settlement agreement between Defendants Vision One, LLC ("Vision One") and Berg Equipment & Scaffolding Co., Inc. ("Berg") (collectively "Defendants") was reasonable. The Court of Appeals of the State of Washington issued its mandate regarding the reasonableness determination on August 28, 2012. Notice (Dkt. # 125). The stay in the above-captioned matter is, therefore, lifted.

In addition to asking the Court to lift the stay, Defendants seek an order granting their motion regarding qualification of counsel (Dkt. # 108), which was pending at the time the case

1 was stayed, and an order granting their motion for summary judgment regarding the extent of
2 RSUI's liability to Vision One, as Berg's assignee.

3 Having considered the arguments of counsel, the evidence provided, and the parties'
4 positions during the October 29, 2012 status conference, the Court finds that :

5 (1) The stay in the above-captioned matter is lifted.

6 (2) The pending motions *in limine* are either premature or moot. Docket numbers 95 and
7 97 are therefore DENIED without prejudice. No further action need or will be taken regarding
8 these motions.

9 (3) Defendants' pending motion regarding counsel is moot. Therefore, docket number
10 108 is DENIED.

11 (4) The Court finds that, based on the parties' agreement during the status conference,
12 additional briefing prior to the resolution of Defendants' motion for summary judgment
13 regarding RSUI's liability is in order. The Plaintiff may file additional briefing in response to
14 Defendants' motion, not to exceed twenty pages in length, no later than November 13, 2012.
15 The Defendants may file additional briefing in reply to Plaintiff's response, not to exceed 10
16 pages, no later than November 20, 2012. Upon review of the memoranda filed by the parties and
17 the remainder of the record, the Court will determine whether oral argument is warranted. The
18 Clerk of Court is directed to renote the pending motion for summary judgment (Dkt. # 123) on
19 the Court's calendar for Tuesday, November 20, 2012.

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21 DATED this 30th day of October, 2012.

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25 Robert S. Lasnik
26 United States District Judge
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